

**Applicant:** Chung-Wei Wu  
**Application No.:** 09/828,754

**Remarks/Arguments:**

The specification and drawings have been amended in response to the examiner's objections. Several typographical errors in the specification pointed out by the examiner have been corrected. Furthermore, a replacement sheet for Fig. 1 is attached hereto whereby the legend "PRIOR ART" has been added, as suggested by the examiner.

After the foregoing amendment claims 1-8 are pending in this application. Claims 1, 2, 4 and 8 have been amended to correct a few typographical errors and to more particularly point out the subject matter which Applicant regards as the invention. The Applicant submits that no new matter has been added to the application by the Amendment.

**Statement on the Application of Prior Art**

The present invention has been filed in Taiwan on June 29, 1999 and the Taiwanese patent application serial number is 088210773. In Taiwan, the present invention was allowed and furthermore the Taiwanese patent corresponding to this invention was issued on September 1, 2001. It is to be noted that the present application was prepared prior to all of the cited references (US patents 6,466,804B1, 6,601,093B1 and 6,377,825B1). Therefore, the cited references do not constitute prior art and thus should not be applied to the claimed invention.

**Specification**

The examiner objected to the disclosure because of several informalities in the Detailed Description of the Preferred Embodiments section of the specification. The enclosed Amendment corrects the specification as suggested by the examiner. Thus, the Applicant respectfully requests that the objection to the specification be withdrawn.

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**Drawings**

The examiner objected to the drawings because Figure 1 should be designated by a legend such as --Prior Art--. A replacement sheet for Figure 1 has been submitted hereto correcting the deficiency noted above. Thus, the Applicant respectfully requests that the objection to the drawings be withdrawn.

**Claim Rejections - 35 U.S.C. §102(e)**

Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,466,804 issued to Pecen et al. (hereinafter referred to as Pecen).

Claim 1 recites a mobile phone configured to be contactlessly activated by a signal transmitted from an activation device outside said mobile phone, comprising an integrated circuit (IC) card driver connected with a communication system for communicating with others; and an access module connected with said IC card driver and said communication system for receiving said signal transmitted from said activation device to activate the mobile phone, thereby communicating with the others.

In accordance with the present invention, an activation device including an IC card 7 is carried on a user 6 and transmits a signal S when the mobile phone 8 is approached by the activation device in a specific distance as shown in Fig. 2. A database recorded in the IC card 7 is accessed by the access module 10 of the mobile phone 8 and thereby the mobile phone 8 is activated and the IC card driver 7 activates the communication system.

Referring to column 3, lines 18-67 and Fig. 2 of Pecan, a mobile telecommunication system including a mobile subscriber unit having an IC card (SIM card) therein for communicating with a plurality of devices through GSM and Universal Mobile Telephone System is disclosed. Referring further to column 6,

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lines 10-18 and Figs. 3A-3B of Pecan, it is disclosed that if the IC card (SIM card) is removed from the mobile phone subscriber, the signals transmitted between the mobile subscriber unit and other devices are interrupted. Thus, Pecen fails to teach or suggest that a mobile phone without a SIM card can be contactlessly activated by a signal transmitted from an activation device outside the mobile phone. Accordingly, Pecen fails to teach or suggest all of the features recited in claims 1-8.

In addition, with regard to the examiner's assertion that the Local Link Data Interface disclosed by Pecen corresponds to the access module of the present invention, and the SIM Command/Response Interface disclosed by Pecen corresponds to the IC card driver of the present invention, the Applicant respectfully disagrees.

Referring to the Column 4, lines 34-40 of Pecen, it is illustrated that the local link data interface performs bifunctional conversion of commands from the client devices that are received by the router unit and of responses from the router unit to a message format. Thus, the local link data interface disclosed by Pecen is positioned in the mobile subscriber unit and is used for processing commands received in the mobile subscriber unit. However, according to lines 6-11 of page 3 and the claim 1 of the present invention, the access module of the mobile phone is used for accessing the database recorded in the activation device outside the mobile. Therefore, the Local Link Data Interface disclosed by Pecen cannot be considered to be equivalent to the access module recited in claim 1.

Furthermore, referring to the Column 4, lines 7-11 of Pecen, it is illustrated that the SIM command/response interface receives commands from the router unit and converts response information to standardized responses. Thus, the SIM command/response interface is a signal converter. However, in accordance with lines 6-11 of page 3 of the Applicant's disclosure, the IC card driver is used for activating a communication after the database recorded in the IC card positioned in

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the activation device outside the mobile phone is accessed by the access module. Apparently, the SIM Command/Response Interface of Pecen cannot be considered to be equivalent to the IC card driver according to the present invention.

Accordingly, claim 1 is believed to be patentable over the teachings of Pecen. Since claims 2, 3 and 8 are dependent upon the independent claim 1, the dependent claims 2, 3 and 8 are all also believed to be allowable for the same reasons presented above. Therefore, the withdrawal of the rejection of claims 1-3 and 8 under 35 U.S.C. 102(e) is respectfully requested.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecen in view of Peters (US 6,601,093 B1). Furthermore, claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecen in view of Peters and in further view of Kennedy et al. (US 6,377,825 B1). Since claims 4-7 are dependent upon the independent claim 1, they are all also believed to be allowable for the same reasons presented above. Therefore, the withdrawal of the rejection of claims 4-7 under 35 U.S.C. 103(a) is respectfully requested.

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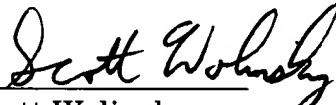
**Conclusion**

Claims 1-8 are believed to be allowable for the reasons provided above. Accordingly, a timely issued Notice of Allowance is respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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